

ATTACHMENT D

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 23-80101-CR-CANNON(s)

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DONALD J. TRUMP,
WALTINE NAUTA, and
CARLOS DE OLIVEIRA,**

Defendants.

/

GOVERNMENT'S NOTICE OF EXPERT TESTIMONY OF ANDREW KOCHY

The Government hereby files under Federal Rule of Criminal Procedure 16(a)(1)(G), Local Rule 88.10(o)(3), and this Court's Order (ECF No. 215) its notice of intent to use the following expert testimony in its case-in-chief at trial.

Andrew Kochy, Special Agent, Computer Analysis Response Team, Federal Bureau of Investigation

a. Training and Qualifications

The United States intends to call Federal Bureau of Investigation (“FBI”) Special Agent Andrew Kochy as an expert in forensic extraction and examination of digital devices. Special Agent Kochy has worked for the FBI since 2002. He has been assigned to multiple units focusing on cyber crime, including the Asia Cyber Crimes Unit and Major Cyber Crimes Squad. From April 2018 through the present, Special Agent Kochy has been assigned to the FBI Computer Analysis Response Team (“CART”) Washington Field Office as both a Special Agent and

Supervisory Special Agent. While with CART, SA Kochy has conducted numerous forensic examinations of various digital devices, including cellular phones.

Special Agent Kochy has received extensive professional training in digital forensic analysis. He also obtained various certifications related to digital forensic exams, including GIAC Certified Forensic Examiner (August 2023), Magnet Certified Forensic Examiner (May 2022), GIAC Advanced Smartphone Forensics Certification (Aug. 2021), Cellebrite Certified Physical Analyst (April 2020), Cellebrite Certified Operator (April 2020), and FBI CART Mobile Device Authorization (June 2018).

Special Agent Kochy's qualifications to analyze data extracted from digital devices are based on his knowledge, skill, expertise, training, and education, as further described in his curriculum vitae, which has been provided to the defense. *See USA-01286130 – USA-01286132.*

b. Publications and Prior Testimony as an Expert

Special Agent Kochy has not authored any publications in the last ten years. He has testified as an expert witness in the following two Eastern District of Virginia federal cases in connection to his extraction and analysis of data from digital devices, within the last four years: *United States v. Zackary Ellis Sanders* (20-CR-143-TSE) and *United States v. Moises Zelaya Veliz, et al.* (20-CR-196-AJT).

c. Report Provided under Federal Rule of Criminal Procedure 16(a)(1)(F)

The Government produced to the defense Special Agent Kochy's forensic examination reports *See USA-00042129 – USA-00042130; USA-01286148 – USA-01286193.*

d. Complete Statement of Testimony/Opinion and Basis

The Government expects that Special Agent Kochy will testify that he conducted a forensic analysis of content and data extracted from an Apple iPhone 12 Mini, IMEI 353008113083766,

Serial Number F4GDN8040GRN (designated FBI evidence item 1B1) used by defendant Carlos De Oliveira, that was searched after the Government obtained a court-authorized search warrant for the device.¹

Special Agent Kochy will testify about the forensic examination tools he used, to include Axiom and Cellebrite, and the reports generated as a result of the forensic examinations. He will also testify about data obtained from the digital device, including, *inter alia*, certain geolocation information, metadata, device information, evidence of user attribution, phone numbers connected to the device, phone contacts, call information, electronic messages, photographs, videos, messaging platforms, device location data, device power information, and corresponding time and location data of certain photos and videos. For example, Special Agent Kochy will testify about his analysis of geolocation data artifacts extracted from the device that pertain to certain images taken on various dates, to include June 27, 2022 and July 12, 2022. Special Agent Kochy will explain how certain text communications, images, and call records were found on the digital device, and how he documented the geolocation information and other metadata for certain images.

During his testimony, Special Agent Kochy will also explain how the data contained in the Government's cell phone exhibits is a reliable and accurate depiction of the data obtained from the digital device and the corresponding extraction. For example, the Government anticipates that Special Agent Kochy will explain how verification procedures were used to ensure that the forensic processing yielded reliable and accurate copies of the data extracted from the digital device. Likewise, he will testify about how hash values are generated and used to verify that the forensic image of a digital device is an exact match of the original evidence item. Special Agent

¹ The contents of the device, after a filter review was conducted for attorney-client privilege and scoping within the parameters of the search warrant, was provided to the defense in discovery. *See* USA-00402920 – USA-00413873.

Kochy is expected to testify about the purpose behind imaging and hash-matching the original digital evidence, including to ensure that the original evidence is not damaged or altered during any subsequent forensic examination and that the forensic image being analyzed contains the same data as the original evidence. Additionally, Special Agent Kochy will testify about the reliability of the programs he used to parse, examine, and analyze the matching data contained on the forensic image of the cellular phone.

Special Agent Kochy's opinions are based upon his education, training, and experience working in law enforcement and as a digital device examiner.

e. Approval of Disclosure

Pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G)(v), I have reviewed this disclosure and approve of its contents.

Date: January 10, 2024


Andrew Kochy
Special Agent
FBI